8:Howell E-4,5 (1937, 1948) 1953 . FJ23 Shilluk FJ23

Amajok married Nyagolding for ten head of cattle and ten sheep. Nyagolding gave birth to two children who died as adults, while she herself died some twenty-eight years ago. No cattle were returned to Amajok on her death and no claim was made so long as *X* and *Y* were living. Amajok now claims *kai ot* from Othou. This claim was upheld by the Court and two head of cattle awarded to Amajok. It is, as a matter of fact, unlikely that Amajok would have claimed *kai ot* if his daughter *Y* had lived and married, though *X* might have done so.

Anger *wad* Nyang *v.* Kanker *wad* Ming

Anger married Kanker's sister, Aciethgwok, for eight head of cattle and five sheep. This was in *reth* Fadiet's time (*circa* 1909). Aciethgwok died in childbirth leaving no other children. Kanker returned six cattle and all the sheep. Anger (in 1949) then claimed the return of the remaining cattle. This claim, made some forty years after the event, was regarded by the Court as a frivolous one. It was held that the two head of cattle stood as *dhok rume*, to which Kanker had undisputable right.

Kai ot therefore has various meanings, the most precise being another daughter of the dead wife's house handed over by her family as a 'substitute'. The custom is not confined to the husband as an individual, but applies to his kinship group, for Shilluk say that a girl might be handed over as *kai ot* even in a later generation, if no bridewealth had been returned in the interim. Again, if the wife died after fulfilling her procreative obligations, her family might allow the widower to marry her sister at a reduced bridewealth (eight head of cattle instead of ten). This, however, is really only an application of the general rule that *kai ot* (here meaning a payment of cattle) can be claimed by a man from his maternal uncle when his mother dies, provided she dies at a ripe old age and has borne several children. In this sense *kai ot* does not depend on the termination of the union, but is rather confirmation thereof and is not paid unless the two lineages wish to maintain the close relationship which marriage in a previous generation has secured. This claim is now nearly always upheld in the Courts and provides an example of how a payment depending on a variety of circumstances has become enforceable at law.

Further Rules Concerning Cattle Returnable on Divorce

Shilluk sometimes say that in the old days on divorce all the original bridewealth cattle and all their offspring were returned. There is little evidence for this statement and the rule is certainly not applied today. The wife's kinsmen are not expected to return any cattle which have died in their possession, though they may be expected to produce the hides as evidence of death. On the other hand, cattle which have been sold for cash, slaughtered for meat, or paid in execution of debts (other than direct marriage) or as compensation for wrongs committed, must be replaced by substitutes.

Writing on this subject in 1935, Pumphrey says:

> Cattle paid as marriage payments in Shilluk country are an exact substitute for cash in that they are treated as negotiable instruments. A claim for the identical cows when, owing to divorce or death, the marriage payment is reclaimed, is never supported. Cattle paid are in fact usually negotiated immediately, just as cash. The recipient will almost invariably pay the cattle away either in satisfaction of his debts or else in the marriage of one of his near male relatives.[1]

[1] Pumphrey: from unpublished records.

9:Howell E-5 (1937-1950) 1952 FJ23 Shilluk FJ23

that the most definite contrasts may be found. Whether this established and institutionalized monarchy is the result of diffusion from elsewhere, a legacy from ancient Egypt,[1] or the result of spontaneous development from the politico-religious functionaries who exist in embryo form among other Shilluk-speaking[2] and, indeed, other Nilotic peoples, is a controversial subject which I do not propose to discuss here.

Territorially, Shilluk country is divided into two provinces, within which are the northern and southern provinces of Muomo and Tung, eleven divisions, and finally each division into a number of settlements which are referred to as *padh*.[3] The settlement is the largest political unit which has a permanent and stable function in Shilluk society today.[4] The members occupy a common and clearly defined territory, have a common grazing and fishing area held collectively, a common name, and a common system of age-set nomenclature.[5] Within each settlement are a number of villages or hamlets, each of which, with its offshoots, is occupied by a distinct kinship group, the local lineage of one of the main Shilluk clans. One of these lineages is usually dominant and, though it does not give its name to the settlement, its leader is generally recognized as holding some authority over the rest of the community. In each settlement there are also usually representative lineages of *kwareth* who sometimes, but not always, have assumed a position of dominance within that settlement, usually by force of numbers. There are also *bang reth* living in close association with *kwareth* or tending one or more of the numerous royal shrines.[6]

There are frequent movements and migrations, both of individuals and of small domestic groups. The persons who thus take up residence in other parts of the country retain links with kinsmen in their original home and these links continue for a period. The number of generations which pass before they are forgotten is indeterminate and variable, but the factor of territorial association is an important one. Lineages of one clan living in one area are likely to retain these links and remain bound by rules of exogamy however far removed they may be in the kinship structure. Moreover, common residence in one village area or even one settlement may create bonds which are equal in strength to kinship ties and may even carry with it a bar to intermarriage. In such circumstances there is usually the fiction of common descent through the female line. Among the Shilluk there is a bar to marriage with close relatives on the maternal side carried to three or four generations, but common residence sometimes creates a more permanent prohibition.

[1] See Seligman, C. G., *Egypt and Negro Africa*. George Routledge & Sons, 1934, p. 60.

[2] For example, the Anuak nobles; see Evans-Pritchard, *The Political System of the Anuak of the Anglo-Egyptian Sudan*. Monographs on Social Anthropology, London School of Economics. 1940; and Driberg, J. H., *The Lango*.

[3] *padh*. A more elastic and relative term than I had realized when writing an article on this subject in 1937. *padh* simply means 'home' or 'homeland,' and Shilluk refer to *padh collo*: 'Shillukland'. The word itself has the same relativity as the Nuer word *ciang* and the Dinka word *wut*.

[4] There have, of course, been changes of boundaries and processes of fission and fusion characteristic of any segmentary society. The nature of the terrain in Shilluk country, however, precludes any great change. The limitations of high ground, with clear-cut watercourses as boundaries, together with associated economic interests, tend to stabilize communities.

[5] This is a significant fact and one which throws much light on the true nature of the Shilluk *padh*. When we compare other Nilotic tribes we find that age-set nomenclature is common to whole tribes, but does not extend beyond tribal boundaries (Nuer) or, like the Shilluk, is limited to smaller segments of society (Ngork Dinka).

[6] Lineages of the *kwareth* are referred to by the name of the *reth*, *nyireth* (son of a *reth*), or *nyimireth* (grandson of a *reth*) who founded them. Thus *kwareth* Fadiet, *kwanyireth* Adung, &c. Similarly, *bang reth* are distinguished as *bang reth* Fadiet, *bang nyireth* Adung, &c.

18: Howell E-5 (1937) 1941, FJ23 Shilluk FJ23

chief and by their special relations with the lineage which holds authority over them. Thus there are social, political and economic influences backed by common residence which promote unity and emotional security, and patterns of behaviour arise entirely distinct from those which characterise the kinship group.

The balance of loyalty to settlement or to kin is difficult to define. The lineage resident in one locality is clearly the most significant unit of society. Blood relationship is closer and co-operation is intensified by daily contact and mutual interests. All the factors which make for peace and mutual help in the settlement are not sufficient to break the ties which unite the local lineage. Loyalty, obligations and observances are greater towards a blood relative who is also a neighbour than towards an individual who is a neighbour only. The corporate unity of the lineage is kept alive by kinship which is a biological fact and the observance of exogamy and all the complicated obligations raised in marriage do not allow the Shilluk to forget. The extended clan, however, in which relationship may be so remote as to be fictitious, is not cemented together by lasting and mutual interests, nor are old associations renewed by periodic reunion. Even so, the traditions of the clan are to some extent maintained and the rule of exogamy is not broken however scattered its members

The Shilluk settlement consists of a number of hamlets *Myer*, (*Pl of Pac*,) each occupied by a lineage. The settlement has a varying number of distinct lineages resident therein, but each hamlet is exclusively occupied by a kinship group. Each hamlet is a separate cluster of huts which are built along the high ground parallel to the river bank. The distance between each varies from a hundred yards to a mile or so. The hamlet is not constant in the number of its huts and grows or diminishes in size according to the increase or decrease in numbers of the lineage which occupies it. Mr. Pumphrey has explained that off-shoots from hamlets are continually being initiated by enterprising young Shilluk who, having married, wish to build a home for themselves away from the parent hamlet. Sometimes these off-shoots (*Nyole Myer*) are started in other parts of the country, more usually within the settlement and not far from the birth-place fo their founder.

to be their duty to aid him. The arrangement is merely reciprocal. At the beer feast afterwards, however, the guests are arranged according to their respective sub-divisions. The two senior sub-divisions present enter the hut of their host before the others and it is their privilege to taste the beer first and approve it. They remain in the hut for sometime for they have had an exhausting day in the fields and are thirsty. Outside the hut in the courtyard are grouped the lower sub-divisions, eagerly awaiting their share which is passed out to them when those inside are satisfied with the quality of the beer. Possibly another sub-division is then allowed to enter the hut if there is room at the back.

The sub-divisions are grouped inside the hut in ascending order of seniority and the leader of the senior sub-division present, (*Pagy*) sits near the door. The *Pagy* has a special gourd which is kept full of beer by the man next him. Etiquette is rigidly observed and every-one is careful to sit in the right place and take his turn at the beer. No women are present except the host's wife or wives who sit at the back and serve the beer. Every age-set has its own song and this is sung by those inside the hut while the young men outside take up the chorus.

The existence within the settlement of organized age-sets limited by territorial boundaries is a factor which should ensure co-ordination and peace between the different lineages. The Shilluk say that age-mates will not fight each other. In fact this is an exaggeration for the sense of loyalty and mutual obligation between age-mates is not constant or strong. The reason for this is the rarity of occasions in which the age-set organization functions to-day and the very limited purpose to which it is put. In reality, mutual ties and observances practiced by age-mates are quite outside the deeper and more permanent ties of kinship and the Shilluk is not bothered by perpetually conflicting emotions. The age-sets do not operate as such until all lineages are bound together by a common cause apart from and in a different context to internal bickerings which are not infrequent.

Political authority is not now derived from the age-set system, but from the powerful position in the settlement of the dominant lineage.